

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NOS. 1861 & 1864

97TH GENERAL ASSEMBLY

6045H.03P

D. ADAM CRUMBLISS, Chief Clerk

---

## AN ACT

To repeal sections 208.024 and 208.027, RSMo, and to enact in lieu thereof five new sections relating to public assistance benefits.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 208.024 and 208.027, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 208.018, 208.023, 208.024, 208.027, and 208.238, to read as follows:

**208.018. 1. Subject to federal approval, the department of social services shall establish a pilot program for the purpose of providing Supplemental Nutrition Assistance Program (SNAP) participants with access and the ability to afford fresh fruit and vegetables when purchasing fresh produce at farmers' markets. The pilot program shall be established in at least one rural area and one urban area. Under the pilot program, such participants shall be able to:**

**(1) Purchase fresh produce with SNAP benefits with an electronic benefit transfer (EBT) card; and**

**(2) Receive a dollar-for-dollar match for every SNAP dollar spent at a participating farmers' market in an amount up to ten dollars per week whenever the participant purchases fresh produce with an EBT card.**

**2. For purposes of this section, the term "farmers' market" shall mean a market with multiple stalls at which farmer-producers sell agricultural products, particularly fresh fruit and vegetables, directly to the general public at a central or fixed location.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15           **3. Purchases of approved fresh produce by SNAP participants under this section**  
16 **shall automatically trigger matching funds reimbursement into the participant accounts**  
17 **by the department.**

18           **4. The funding of this pilot program shall be subject to appropriation. In addition**  
19 **to appropriations from the general assembly, the department may apply for available**  
20 **grants and shall be able to accept other gifts, grants, and donations to develop and**  
21 **maintain the program.**

22           **5. The department shall promulgate rules setting forth the procedures and methods**  
23 **of implementing this section. Any rule or portion of a rule, as that term is defined in**  
24 **section 536.010, that is created under the authority delegated in this section shall become**  
25 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**  
26 **if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**  
27 **the powers vested with the general assembly under chapter 536 to review, to delay the**  
28 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
29 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**  
30 **2014, shall be invalid and void.**

31           **6. Under section 23.253 of the Missouri sunset act:**

32           **(1) The provisions of this section shall sunset automatically six years after the**  
33 **effective date of this section unless reauthorized by an act of the general assembly; and**

34           **(2) If such program is reauthorized, the program authorized under this section**  
35 **shall sunset automatically twelve years after the effective date of the reauthorization of this**  
36 **section; and**

37           **(3) This section shall terminate on September first of the calendar year immediately**  
38 **following the calendar year in which the program authorized under this section is sunset.**

**208.023. The department of social services shall seek a waiver from the federal**  
2 **government to mandate the use of photo identification for continued eligibility in the food**  
3 **stamp program administered in Missouri. Upon one year after approval by the federal**  
4 **government, all electronic benefit cards distributed to recipients of food stamps shall have**  
5 **imprinted on the card a photograph of the recipient or protective payee authorized to use**  
6 **the card and shall expire and be subject to renewal after a period of three years. The card**  
7 **shall not be accepted for use by a retail establishment if the photograph of the recipient**  
8 **does not match the person presenting the card.**

**208.024. 1. Eligible recipients of temporary assistance for needy families (TANF)**  
2 **benefits shall not use such funds in any electronic benefit transfer transaction for the purchase**  
3 **of alcoholic beverages, lottery tickets, or tobacco products in any liquor store, casino,**  
4 **gambling casino, or gaming establishment, or any retail establishment which provides**

5 adult-oriented entertainment in which performers disrobe or perform in an unclothed state for  
6 entertainment[, or in any place or for any item that is primarily marketed for or used by adults  
7 eighteen or older and/or is not in the best interests of the child or household]. An eligible  
8 recipient of TANF assistance who makes a purchase in violation of this section shall reimburse  
9 the department of social services for such purchase.

10       2. An individual, store owner or proprietor of an establishment shall not accept TANF  
11 cash assistance funds held on electronic benefit transfer cards for the purchase of alcoholic  
12 beverages, lottery tickets, or tobacco products or for use in any electronic benefit transfer  
13 transaction in any liquor store, casino, gambling casino, or gaming establishment, **or** any retail  
14 establishment which provides adult-oriented entertainment in which performers disrobe or  
15 perform in an unclothed state for entertainment[, or in any place or for any item that is primarily  
16 marketed for or used by adults eighteen or older and/or is not in the best interests of the child or  
17 household]. **No store owner or proprietor of any liquor store, casino, gambling casino, or  
18 gaming establishment, or any retail establishment which provides adult-oriented  
19 entertainment in which performers disrobe or perform in an unclothed state for  
20 entertainment shall adopt any policy, either explicitly or implicitly, which encourages,  
21 permits, or acquiesces in its employees knowingly accepting electronic benefit transfer  
22 cards in violation of this section.** An individual, store owner or proprietor of an establishment  
23 who knowingly accepts electronic benefit transfer cards in violation of this section shall be  
24 punished by a fine of not more than five hundred dollars for the first offense, a fine of not less  
25 than five hundred dollars nor more than one thousand dollars for the second offense, and a fine  
26 of not less than one thousand dollars for the third or subsequent offense.

27       3. **Any recipient of TANF benefits who does not make at least one electronic benefit  
28 transfer transaction within the state for a period of ninety days shall have his or her benefit  
29 payments to the electronic benefit account temporarily suspended, pending an investigation  
30 by the department of social services to determine if the recipient is no longer a Missouri  
31 resident. If the department finds that the recipient is no longer a Missouri resident, it shall  
32 close the recipient's benefits. Closure of benefits shall trigger the automated benefit  
33 eligibility process under section 208.238. To ensure that benefits are not erroneously  
34 closed, a recipient shall notify the department of the reasons he or she cannot be within the  
35 state for more than ninety days.**

36       4. **A recipient who does not make an electronic benefit transfer transaction within  
37 the state for a period of sixty days shall be provided notice of the possibility of the  
38 suspension of funds if no electronic benefit transfer transaction occurs in the state within  
39 another thirty days after the date of the notice.**

40       5. For purposes of this section:

41 (1) The following terms shall mean:

42 (a) "Electronic benefit transfer transaction", the use of a credit or debit card service,  
43 automated teller machine, point-of-sale terminal, or access to an online system for the  
44 withdrawal of funds or the processing of a payment for merchandise or a service; and

45 (b) "Liquor store", any retail establishment which sells exclusively or primarily  
46 intoxicating liquor. Such term does not include a grocery store which sells both intoxicating  
47 liquor and groceries including staple foods as outlined under the Food and Nutrition Act of 2008;

48 (2) Casinos, gambling casinos, or gaming establishments shall not include:

49 (a) A grocery store which sells groceries including staple foods, and which also offers,  
50 or is located within the same building or complex as a casino, gambling, or gaming activities;  
51 or

52 (b) Any other establishment that offers casino, gambling, or gaming activities incidental  
53 to the principal purpose of the business.

208.027. 1. The department of social services shall develop a program to screen each  
2 applicant or recipient who is otherwise eligible for temporary assistance for needy families  
3 benefits under this chapter, and then test, using a urine dipstick five panel test, each one who the  
4 department has reasonable cause to believe, based on the screening **or other information**,  
5 engages in illegal use of controlled substances. Any applicant or recipient who is found to have  
6 tested positive for the use of a controlled substance, which was not prescribed for such applicant  
7 or recipient by a licensed health care provider, or who refuses to submit to a test, shall[, after an  
8 administrative hearing conducted by the department under the provisions of chapter 536,] be  
9 declared ineligible for temporary assistance for needy families benefits for a period of three years  
10 from the date of the **positive test, test refusal, or** administrative hearing decision, **if requested**  
11 **by the applicant or recipient under subsection 2 of this section**, unless such applicant or  
12 recipient, after having been referred by the department, enters and successfully completes a  
13 substance abuse treatment program and does not test positive for illegal use of a controlled  
14 substance in the six-month period beginning on the date of entry into such rehabilitation or  
15 treatment program. The applicant or recipient shall continue to receive benefits while  
16 participating in the treatment program. The department may test the applicant or recipient for  
17 illegal drug use at random or set intervals, at the department's discretion, after such period. If  
18 the applicant or recipient tests positive for the use of illegal drugs a second time, then such  
19 applicant or recipient shall be declared ineligible for temporary assistance for needy families  
20 benefits for a period of three years from the date of the **positive test, test refusal, or**  
21 **administrative hearing decision, if requested by the applicant or recipient under subsection**  
22 **2 of this section**. The department shall refer an applicant or recipient who tested positive for the  
23 use of a controlled substance under this section to an appropriate substance abuse treatment

24 program approved by the division of alcohol and drug abuse within the department of mental  
25 health.

26 **2. An applicant or recipient who is found to have tested positive or who refuses to**  
27 **submit to a test under subsection 1 of this section may request that an administrative**  
28 **hearing be conducted by the department under the provisions of chapter 536.**

29 **3.** Case workers of applicants or recipients shall be required to report or cause a report  
30 to be made to the children's division in accordance with the provisions of sections 210.109 to  
31 210.183 for suspected child abuse as a result of drug abuse in instances where the case worker  
32 has knowledge that:

33 (1) An applicant or recipient has tested positive for the illegal use of a controlled  
34 substance; or

35 (2) An applicant or recipient has refused to be tested for the illegal use of a controlled  
36 substance.

37 [3.] **4.** Other members of a household which includes a person who has been declared  
38 ineligible for temporary assistance for needy families assistance shall, if otherwise eligible,  
39 continue to receive temporary assistance for needy families benefits as protective or vendor  
40 payments to a third-party payee for the benefit of the members of the household.

41 [4.] **5.** The department of social services shall promulgate rules to develop the screening  
42 and testing provisions of this section. Any rule or portion of a rule, as that term is defined in  
43 section 536.010, that is created under the authority delegated in this section shall become  
44 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
45 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
46 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
47 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
48 rulemaking authority and any rule proposed or adopted after August 28, [2011] **2014**, shall be  
49 invalid and void.

**208.238. The department of social services shall implement an automated process**  
2 **to ensure applicants applying for benefit programs are eligible for such programs. The**  
3 **automated process shall be designed to periodically review current beneficiaries to ensure**  
4 **that they remain eligible for benefits they are receiving. The system shall check applicant**  
5 **and recipient information against multiple sources of information through an automated**  
6 **process. If the automated process shows the recipient is no longer eligible for one benefit**  
7 **program, the department shall determine what other benefit programs shall be closed to**  
8 **the recipient.**

✓